

REMARKS

I. Introduction

Claims 11-13 and 15-20 are currently pending after cancellation of claim 14. Claim 11 has been amended to include the limitations previously recited in claim 14 and to correct an informality (i.e., changing “user data packets” to “useful data packets”). These amendments do not add any new matter. Therefore, Applicants request entry and examination of these amendments.

II. Rejection of claims under 35 U.S.C. §112, Paragraph 2

Claims 11-20 currently stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which Applicants regard as the invention. Specifically, the Examiner asserts that the meaning of the term “container” is not clear, i.e., “container” allegedly appears to be synonymous with “data packet.”

Applicants direct the Examiner initially to claim 11, which recites, inter alia, “at least one of the useful data packets and the control data packets being stored in containers within a transmission frame.” (Emphasis added). The Examiner is also directed to a passage of the specification, on page 8, lines 18-20, which describes the terminal T filling a container for useful data packets with a plurality of control data packets. Accordingly, as clearly supported by the specification, the claimed “containers” are designated data fields having packets of data (e.g., useful data and/or control data) stored therein.

In view of the above explanation, Applicants submit that no ambiguity is presented by the term “container.”

III. Rejection of claims under 35 U.S.C. §102(b) and §102(e)

A. Claims 11-13 and 16

Claim 11-13 and 16 currently stand rejected under 35 U.S.C. §102(b) as being anticipated by Raychaudhuri et al. (WATMnet: “A Prototype Wireless ATM system for Multimedia Personal Communication,” IEEE International Conference On Communications, pages 469-477).

Claim 11 has been amended to include limitations previously recited in claim 14, i.e., storing the information element as two fields. In view of the amendment to claim 11 and the dependence of claims 12-13 and 16 on claim 11, Applicants submit that the rejection of claims 11-13 and 16 is no longer proper. Therefore, Applicants request withdrawal of the present rejection.

B. Claims 11-20

Claims 11-20 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,724,813 (“Jamal”). Claim 14 has been canceled. Applicants submit the present rejection is improper because Jamal fails to disclose all of the claimed limitations of pending claims 11-13 and 15-20.

To anticipate a claim under 35 U.S.C. §102, a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452,

1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

As understood, Jamal is directed to, inter alia, a system for implicit resource allocation in a communication system. The resources in Jamal are allocated on an “as needed” basis, and no specific signaling is required to exchange information. Instead, Jamal teaches using parameters known to both a radio access network and a mobile station to facilitate communication in a universal mobile telecommunications system (UMTS). Through the use of implicit information used in synchronization, access, registration and paging procedures, resources may be dynamically allocated. Based on these allocations, uplink scrambling codes are utilized to select a downlink common control channel.

Claim 11 recites, inter alia, “the information element is stored as two fields for the virtual connection, a first field for a connection identifier, and a second field for a number of subsequent containers for useful data packets for the virtual connection.” The recited information element is a data field having an identifier stored therein, and the information element is stored within each of the containers, the containers storing useful data packets and control data packets.

The Examiner asserts on page 4 of the present Office Action that Jamal discloses on col. 6, lines 1-25 and col. 7, lines 9-34, the claimed step of “storing an identifier in an information element within each of the containers within the transmission frame to identify a virtual connection to which at least one of the useful data packets belong.” Applicants

respectfully traverse and submit that the passages cited by the Examiner merely describe the various types of implicit information (col. 6, lines 1-25) and operations that are performed with the implicit information (col. 7, lines 9-34). For example, the cited passage in column 6 merely discloses that the base station transmits a synchronization signal, each cell transmits a BCCH. The synchronization signal is used to obtain initial time synchronization and to provide time, frequency and phase tracking information. The BCCH includes SID, CID, NID, SFN and other information. Similarly, the cited passage in column 7 discloses signal procedures which specifically exclude identifying a communications resource allocated or dedicated to a mobile-station-to-base-station communication; instead, the cited passage discloses that, based on the signaling procedures, implicit parameters are acquired (such as the implicit information recited in col. 6, lines 1-25) and used to determine a communications resource used for dedicated traffic communication.

It is submitted that Jamal discloses a completely different system that operates in a completely different manner and produces a completely different result in comparison to the invention recited in claim 11. As discussed above, Jamal uses signaling procedures to determine implicit parameters to establish communication channels; however, Jamal does **not** disclose storing an identifier in an information element. In fact, Jamal specifically discloses operating in a different manner, which includes using the implicit parameters. Therefore, the system of Jamal does not operate by storing an identifier in an information element, since the implicit information is used. Finally, Jamal determines a dedicated channel based

on this implicit information, which is a completely different from the claimed invention of storing an identifier in an information element.

Applicants further traverse the Examiner's position regarding the limitations originally recited in claim 14, now incorporated in claim 11. On page 5 of the present office action, the Examiner asserts that these limitations now incorporated in claim 11 are disclosed by Jamal on col. 7, lines 44-53. Amended claim 11 recites, inter alia, that "the information element is stored as two fields for the virtual connection, a first field for a connection identifier, and a second field for a number of subsequent containers for useful data packets for the virtual connection." The connection identifier identifies a particular connection between a terminal and a master station, and the second field includes the number of containers having useful data packet stored therein. Neither of these elements are described in the passage on col. 7, lines 45-50, of Jamal; instead, the passage merely recites possible parameters (SID, CID, etc.) that may be stored by the mobile device for a potential uplink scrambling code. Moreover, since Jamal fails to disclose the step of storing the identifier in an information element, Jamal necessarily fails to disclose storing the information element as two fields.

For the foregoing reasons, it is submitted that Jamal fails to disclose all of the claimed limitations of claim 11, and that claim 11 is in allowable condition. Regarding claims 12-13 and 15-20, which depend from claim 11, Applicants submit that these claims are similarly allowable for the reasons provided in connection with claim 11. In addition, Applicants further submit that claims 12-13 and 15-20 contain further patentable

subject matter not disclosed by Jamal. Applicants request reconsideration and withdrawal of the present rejection of pending claims 11-13 and 15-20.

IV. Conclusion

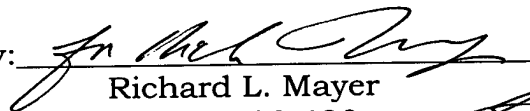

In light of the foregoing, Applicants respectfully submit that all pending claims 11-13 and 15-20 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

KENYON & KENYON

Dated: October 6, 2004

By:

 (by
Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, NY 10004
(212) 425-7200
26,1971

CUSTOMER NO. 26646